

TIFFANY & BOSCO, P.A.  
Gregory L. Wilde, Esq.  
Nevada Bar No. 004417  
212 South Jones Boulevard  
Las Vegas, Nevada 89107  
Telephone: 702 258-8200  
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U.S. Bank National Association, as Trustee for WFASC 2005-016  
09-72789

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

Nicholas Lancaster

Debtor

08-50787-gwz

Order No.:

Chapter 13

**DECLARATION RE BREACH OF CONDITION**

STATE OF SC )

COUNTY OF York ) ss.

Teresa Diaz-Cochran

I, \_\_\_\_\_, under the penalty of perjury of the United States, declare and state:

1. As to the following facts, I know them to be true of my personal knowledge, and if called upon to testify in this action, I could and would testify competently thereto.

2. I am an employee of Wels Fargo bank, N.A. as servicer for U.S. Bank National Association, as Trustee for WFASC 2005-016, Secured Creditor herein, and am most familiar with the loan and the bankruptcy case.

3. The real property subject to the Deed of Trust is commonly described as 16745 Mount Rose Highway, Reno, NV 89511 and legally described as follows:

**PARCEL 1.**

A parcel of land located in the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 17 North, Range 19 East, M.D.B. &M., Washoe County, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 3; thence North 89 degrees 08' East 488.74 feet along the North line of said Section 3 to the point of beginning; thence South 0 degrees 52' East 287.83 feet; thence North 89 degrees 08' East 150.00 feet; thence North 0 degrees 52' West

287.83 feet to the North line of said Section 3; thence South 89 degrees 08' West 150 feet along the North line of said Section 3 to the point of beginning.

**PARCEL 2:**

An easement for roadway purposes described as follows:

COMMENCING at the Northwest corner of said Section 3; thence North 89 degrees 08' East 638.74 feet along the North line of said Section 3; thence South 0 degrees 52' East 257.83 feet to the point of beginning; thence North 89 degrees 08' East 103.68 feet to the Northwestern right-of-way line of State highway No. 27; thence South 38 degrees 40'30" West along the Westerly line of State Highway No 27, a distance of 38.90 feet; thence South 89 degrees 08' West 78.91 feet; thence North 0 degrees 52' West 30.00 feet to the point of beginning.

**PARCEL 3:**

A parcel of land located in the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 17 North, Range 19 East, M.D.B. &M., Washoe County, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 3, thence North 89 degrees 08' East 453.74 feet along the North line of said Section 3 to the true point of beginning; thence South 0 degrees 52' East 209.00 feet; thence North 89 degrees 08' East 35.00 feet; thence North 0 degrees 52' West 209.00 feet to the North line of said Section 3; thence South 89 degrees 08' West 35.00 feet along the North line of said Section 3 to the true point of beginning.

**PARCEL 4:**

An easement for ingress, egress and driveway purposes as set forth in instrument recorded August 26, 1992, in Book 3551, Page 456, as Document No. 1599986, Official Records APN: 047-161-02 Document Number 1860294 is provided pursuant to the requirements of NRS 111.312

4. I have examined the document entitled "Order Regarding Adequate Protection", a copy of which is attached hereto and marked as Exhibit "A" and incorporated herein by reference. I represent my personal knowledge as to whether the Debtor have complied with the requirements of said Order.

5. Pursuant to the aforementioned Order, the Debtor would have fifteen (15) days from the date of this Declaration in which to cure the delinquencies due. If upon the 16<sup>th</sup> day, Debtor failed to so cure those delinquencies, the automatic Stay Order would be vacated and extinguished as to this Secured Creditor.

6. As of the date of this Declaration, the Debtor has not made the payments as required by the aforementioned Order. The Debtor is presently past due as follows:

10 Monthly Payments at \$3,305.33	\$33,053.30
(July 1, 2010 - April 1, 2011)	
9 Late Charges at \$151.09	\$1,359.81
(July 1, 2010 - March 1, 2011)	
Attorneys Fees	\$50.00
Suspense Amount	(\$247.67)
Total	\$34,215.44

7. Debtor is responsible for the subsequent payments that will come due during this Breach period:

- a. 0 Monthly Payments
- b. 0 Stipulated payments

**PARTIAL TENDERS WILL NOT BE ACCEPTED**

8. Due to Debtor's failure to timely and properly comply with the Order as set forth hereinabove, Secured Creditor has been forced to incur additionally attorneys' fees to obtain relief from the Stay Order to take possession of its real property.

9. These attorneys' fees are in addition to attorneys' fees incurred prior to the non-compliance and are now owing to Secured Creditor from Debtor pursuant to the Deed of Trust.

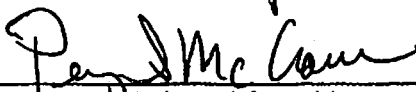
10. Should the Debtor cure the default, the Debtor must forward the funds to:

**GREGORY L. WILDE, ESQ.  
TIFFANY & BOSCO, P.A  
212 South Jones Boulevard  
Las Vegas, Nevada 89107**

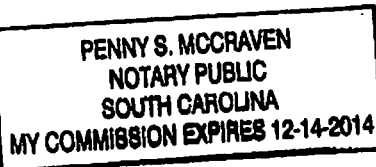
I declare under penalty of perjury that the foregoing is true and correct.

VP Loan Documentation

SUBSCRIBED and SWORN to before me  
this 5 day of April, 2011

  
\_\_\_\_\_  
Notary Public in and for said  
State and County

**Teresa Diaz-Cochran**





Entered on Docket  
April 23, 2009

A handwritten signature in dark ink, appearing to read "Michael S. McManus".

Hon. Michael S. McManus  
United States Bankruptcy Judge

WILDE & ASSOCIATES  
Gregory L. Wilde, Esq.  
Nevada Bar No. 004417  
208 South Jones Boulevard  
Las Vegas, Nevada 89107  
Telephone: 702 258-8200  
Fax: 702 258-8787

A handwritten signature in dark ink, appearing to read "Lodge".

U.S. Bank National Association, as Trustee for WFASC 2005-016  
08-77176 / 0146462106

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

Nicholas Lancaster

BK-S-08-50787-gwz

MS Motion No.

Date:

Time:

Chapter 13

Debtors.

**ORDER RE ADEQUATE PROTECTION**

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefor,

Exhibit A

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the post-  
 2 petition arrearages currently due as follows:

3 7 - Payments at \$3,307.11 each	\$23,149.77
4 (September 1, 2008 - March 1, 2009)	
5 5 - LATE CHARGES @ \$151.09 each	\$ 755.45
6 (September 15, 2008 - January 15, 2009)	
7 1 - Post Petition Property Inspection	\$ 15.00
8 Bankruptcy Attorney Fees and Costs	\$ 900.00
9 Less Amount in Suspense	<\$ 2,810.89>
10 Less Check # 848750 - Greater Nevada Credit Union	<\$3,310.00>
11 Less Check # 848905 in the amount of \$3,310.00	<\$3,310.00>
12 Less Check # 848398 in the amount of \$3,310.00	<\$3,310.00>
13 Less Check # 849677 in the amount of \$3,310.00	<\$3,310.00>
14 Total Amount of Post-petition Default	<u>\$ 8,769.33</u>

15 1. The above arrearage above shall be paid in monthly installments of \$1,461.56. These  
 16 payments shall be in addition to the regular monthly payment and shall be due on or before the 20th day  
 17 of the month commencing with the April 20, 2009 payment and continuing throughout and concluding  
 18 on or before August 20, 2009.

19 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give  
 20 Debtors at least five business days' notice of the time, place and date of sale.

21 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume and  
 22 maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan, beginning  
 23 with the April 1, 2009 payment, on Secured Creditor's Trust obligation, encumbering the subject Property,  
 24 generally described as 16745 Mount Rose Highway, Reno, NV 89511, and legally described as follows:

25 **PARCEL 1.**

26 A parcel of land located in the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 17 North,  
 Range 19 East, M.D.B. &M., Washoe County, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 3; thence North 89 degrees 08' East 488.74 feet  
 along the North line of said Section 3 to the point of beginning; thence South 0 degrees 52' East 287.83

1 feet; thence North 89 degrees 08' East 150.00 feet; thence North 0 degrees 52' West 287.83 feet to the  
2 North line of said Section 3; thence South 89 degrees 08' West 150 feet along the North line of said  
3 Section 3 to the point of beginning.

4 **PARCEL 2:**

5 An easement for roadway purposes described as follows:

6 COMMENCING at the Northwest corner of said Section 3; thence North 89 degrees 08' East 638.74 feet  
7 along the North line of said Section 3; thence South 0 degrees 52' East 257.83 feet to the point of  
8 beginning; thence North 89 degrees 08' East 103.68 feet to the Northwesterly right-of-way line of State  
9 highway No. 27; thence South 38 degrees 40'30" West along the Westerly line of State Highway No 27,  
10 a distance of 38.90 feet; thence South 89 degrees 08' West 78.91 feet; thence North 0 degrees 52' West  
11 30.00 feet to the point of beginning.

12 **PARCEL 3:**

13 A parcel of land located in the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 17 North,  
14 Range 19 East, M.D.B. &M., Washoe County, more particularly described as follows:

15 COMMENCING at the Northwest corner of said Section 3, thence North 89 degrees 08' East 453.74 feet  
16 along the North line of said Section 3 to the true point of beginning; thence South 0 degrees 52' East 209.00  
17 feet; thence North 89 degrees 08' East 35.00 feet; thence North 0 degrees 52' West 209.00 feet to the North  
18 line of said Section 3; thence South 89 degrees 08' West 35.00 feet along the North line of said Section 3 to  
19 the true point of  
20 beginning.

21 **PARCEL 4:**

22 An easement for ingress, egress and driveway purposes as set forth in instrument recorded August 26,  
23 1992, in Book 3551, Page 456, as Document No. 1599986, Official Records APN: 047-161-02  
24 Document Number 1860294 is provided pursuant to the requirements of NRS 111.312

25 **IT IS FURTHER ORDERED, ADJUDGED and DECREED** that if the Debtors fail to make any  
26 payments as stated in this Order, or fail to maintain the regular monthly payments on Secured Creditor's  
Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file and serve upon  
Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition. For each  
such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of \$100.00, to be  
paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure  
the delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to  
Secured Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the  
subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete  
possession thereof.

1 Submitted by:

2 WILDE & ASSOCIATES

3  
4 By

5 **GREGORY L. WILDE, ESQ.**

6 Attorneys for Secured Creditor

7 208 South Jones Boulevard

8 Las Vegas, Nevada 89107

9 APPROVED AS TO FORM & CONTENT:

10 William Van Meter

11 By

12 William Van Meter

13 Chapter 13 Trustee

14 P.O. Box 6630

15 Reno, NV 89513

Sean P. Patterson

By

Sean P. Patterson

Attorney for Debtors

232 Court Street

Reno, NV 89501

Nevada Bar No.

5736

1 TIFFANY & BOSCO, P.A.  
2 Gregory L. Wilde, Esq.  
3 Nevada Bar No. 004417  
4 212 South Jones Boulevard  
5 Las Vegas, Nevada 89107  
6 Telephone: 702 258-8200  
7 Fax: 702 258-8787

8 U.S. Bank National Association, as Trustee for WFASC 2005-016  
9 09-72789

10 **UNITED STATES BANKRUPTCY COURT**  
11 **DISTRICT OF NEVADA**

12 In Re:

13 Nicholas Lancaster

14 Debtor.

08-50787-gwz

Order No.

Chapter 13

15 **CERTIFICATE OF MAILING OF**  
16 **DECLARATION RE BREACH OF CONDITION**

17 1. On 4/8/11 I served the following document(s):

18 **DECLARATION RE BREACH OF CONDITION**

19 2. I served the above-named document(s) by the following means to the persons as listed below:

20 **X a. ECF System**

21 Sean P. Patterson  
22 illegalpat@aol.com  
23 Attorney for Debtor

24 William Van Meter  
25 cl3ecf@nvcbell.net  
26 Trustee



**X b. United States mail, postage fully prepaid:**

Nicholas Lancaster  
16745 Mt. Rose Highway  
Reno, NV 89511  
Debtors

☐ **c. Personal Service** (List persons and addresses. Attach additional paper if necessary)

I personally delivered the document(s) to the persons at these addresses:

☐ 1. For a party represented by an attorney, delivery was made by handing the document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge by leaving the document(s) in a conspicuous place in the office.

N/A

☐ 2. For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

N/A

☐ **d. By direct mail (as opposed to through the ECF System)**

*(List persons and email addresses. Attach additional paper if necessary)*

Based upon the written assignment of the parties to accept service by email or a court order. I caused the document(s) to be sent to the persons at the mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **e. By fax transmission** *(List persons and fax numbers. Attach additional paper if necessary)*

Based upon the written assignment of the parties to accept service by fax transmission or a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

1                    ☐ **f. By messenger** *(List persons and addresses. Attach additional paper if necessary)*

2  
3                    I served the document(s) by placing them in an envelope or package addressed to the  
4 persons at the addresses listed below and providing them to a messenger for service.  
5 *( A declaration by the messenger must be attached to this Certificate of Service).*  
6

7                    **I declare under penalty of perjury that the foregoing is true and correct.**

8  
9 Signed on : 4/8/11 Jamie Miller  
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